SUPREME COURT, U. S.

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 196

NO. 1106

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FILED
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ARLENE MANSON)
)
Petitioner)
)
v)
)
STATE OF INDIANA)
)
Respondent)

REPLY OF PETITIONER TO RESPONDENT'S BRIEF

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The first argument made by the Attorney General of the State of Indiana is that the petition filed by the petitioner Manson does not comply with Rule 39 of this Court.

Section 4 of said rule is as follows:

> "Printing, as the term is used in these rules, shall include any process capable of producing a clear black image on white paper but shall not include ordinary carbon copies. If

papers are filed in a form which is not clearly legible, the clerk will require that new copies be substituted, but the filing shall not thereby be deemed untimely."

The petition was accepted for filing by the Clerk of this Court on February 12, 1968 and to this date petitioner has not been ordered to file substitute copies.

The respondent next argues that the decision of the Supreme Court of the State of Indiana is not contrary to the decisions of other Federal courts, including the Supreme Court of the United States.

Respondent apparently has not read the case of Weeks v. United States, cited at page 9 and the case of Potter v. United States, cited at page 11 of the original Petition for Writ of Certiorari filed on behalf of the petitioner Arlene Manson.

We feel that the instant case comes squarely within the framework of

Beck v. Ohio, (1964) 379 U.S. 89, 85 S. Ct. 223, 13 L. Ed.(2) 142, wherein this Court stated:

> "An arrest without a warrant bypasses the safeguards provided by an objective predetermination of probable cause, and substitutes instead the far less reliable procedure of an after-the-event justification for the arrest or search, too likely to be subtly influenced by the familiar shortcomings of hindsight judgment."

This Court in the recent case of Katz v. United States, (1967) 88 S. Ct. 507 has reaffirmed Beck.

We submit that the arrest and subsequent search of the automobile cannot be upheld upon the statement of an unknown informant to a saleslady to a police radio dispatcher to an officer in a police car. The arresting officer did not see, hear or smell or otherwise perceive anything else to give him grounds for believing that the petitioner Manson acted unlawfully at the time that he placed her under arrest

and subsequently conducted a search of the automobile where she was found.

For the above reasons we respectfully pray the Court to issue a Writ of Certiorari to the Supreme Court of the State of Indiana to review their final judgment heretofore entered.

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